

S.N.: 10/551,886
Art Unit: 2617

800.0172.U1 (US)

AMENDMENTS TO THE FIGURES:

The attached sheet of formal drawings includes changes to Figure 2 and replaces the original sheet of drawings. See the Remarks below for further details.

Annotated sheets are not required per MPEP §608.02(p)

Attachment: Replacement sheets 1

Remarks

In the present application, claims 1, 5, 10-13, 15-16, 18-23, 25-26 and 28-36 are pending. Claims 1, 5, 10-13, 15-16, 18-23, 25-26 and 28-36 are rejected. Claims 2-4, 6-9, 14, 17, 24 and 27 have been previously canceled.

Amendment to the Specification

The specification is amended to add a header for the Detailed Description section.

No new matter is added.

Amendment to the Claims

Claims 10 and 12-13 are amended with merely clarifying amendments. Support for these clarifying amendments may be found throughout the specification, for example, page 13, line 21 – page 15, line 16 (“An input 14 comprises either the entering of or the selection of the recipient of the reminder (by way of the telephone number, e-mail address or other identifier)”, “One of the applications is selected by way of an input I5”, “the reminder is prepared. Preparation involves combining an indicator of the application which is to trigger the reminder, the note entered by way of the input 16, any parameter entered by way of input 18 and an indication of the recipient entered by way of input I4”, “the reminder is sent to the recipient identified by the input I4”, “receiving a reminder”, “determines whether or not the reminder is compatible with the capabilities of the phone”, “The reminder will not be compatible if, for example, the application identified as being required to trigger the reminder is not an application which is present in the phone 1” and “requests the user to confirm that the reminder is to be processed”); and Figures 5 and 6.

Claims 1, 5, 11, 15-16, 18-23, 25-26 and 28-36 are canceled without prejudice or disclaimer.

Claims 37-62 are newly added. Support for these claims may be found throughout the specification, for example, page 8, line 25 - page 9, line 4 (“The processor 18 also forms the interface to the peripheral units of the apparatus, including a RAM memory 17a and a Flash ROM memory 17b”); and page 8, lines 15-23 (“The reminder controller 22 is preferably implemented as a software application implemented into the phone software of the terminal 1”); page 12, line 11 (“the application specific parameter is the URL”); page 12, line 33 –

page 13, line 2 (“the application specific parameter might be... equal to the number of phonebook entries at the time of the last backup plus five”); page 13, line 21 – page 15, line 16 (“Following the entering of a note by way of an input I6”, “combining an indicator of the application which is to trigger the reminder, the note entered by way of the input 16, any parameter entered by way of input 18”); page 3, line 31 – page 4, line 2 (“The method may comprise controlling the device to allow a user to enter an additional input, for example a text input, and associating the input with the reminder. Additional inputs may take any form, for example images, recorded sounds, generated sounds or audio-visual content”); and the claims as originally filed.

No new matter is added.

Amendment to the Figures

Figure 2 is amended to add a reference label to the “reminder control” element. Support for these amendments may be found throughout the specification, for example, page 8, line 25 (“The processor 18 includes a reminder controller 22”); and Figure 2 as originally filed.

No new matter is added.

Claim Rejection - 35 U.S.C. § 103(a)

The Examiner has rejected claims 1, 5, 10-13, 15-16, 18-23, 25-26 and 28-36 as being unpatentable under 35 U.S.C. 103(a) over Matsumoto et al. (U.S. Patent No. 7,130,617), herein Matsumoto, in view of Sellen, et al. (U.S. Patent Publication No. 2001/0029175), herein Sellen. The Applicants include the following comments to clearly distinguish the claimed invention over the art cited by the Examiner, and respectfully request a favorable reconsideration of claims 1, 5, 10-13, 15-16, 18-23, 25-26 and 28-36.

These rejections are respectfully disagreed with, and are traversed below.

It is well established law that in order for an obviousness rejection to be proper, the Patent Office must meet the burden of establishing a prima facie case for obviousness. Thus, as interpreted by the Courts, the Patent Office must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that in accordance with *In re Lee*, the prior art must contain a suggestion, teaching, or motivation for one of ordinary skill in the

art to modify a reference or combine references; and that the proposed modification must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made¹.

Regarding claim 10, which recites:

“A method comprising:
“in operating a mobile communications device, receiving a request to create a reminder;
“in response to receiving the request, receiving a selection of a recipient of the reminder and receiving a **selection of a trigger application which is to trigger the reminder**;
“generating the reminder comprising an indication of the trigger application and an indication of the recipient; and
“sending the reminder to the recipient where the recipient is remote from the mobile communications device” (emphasis added).

Regarding claims 11-12 and 21-22 the Examiner asserts:

“controlling the device to allow a user to select an application... (Matsumoto see figs. 6-7, and col. 9 lines 43-55”.

Consider the disclosure of Matsumoto:

“FIG. 6 is one example of the standby screen, which is displayed by the display unit 108 in the notes input procedure, for waiting the input from the user. On the screen, **the telephone number**, the name, and the message for the user to **make a choice about whether to write down the notes or not**, and **the section for writing the subject of notes** are provided.

“FIG. 7 is another example of the standby screen. On this screen, the **telephone number** and the name are provided like FIG. 6. Instead of the section for writing the subject of notes as in FIG. 6, items such as "Re waiting time" which is **predetermined options as the subject of notes** are provided. These options are surrounded with a box for allowing the user to select one of them.

“These options saves the user from having to input texts one by one” (col. 9, lines 44-57, emphasis added).

As disclosed, options are presented to save “the user from having to input texts one by one”; however, there is no disclosure or suggestion that different application are available “to

¹ *In Re Fine*, 5 U.S.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Agmen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996); *In Re Sang Su Lee*, 277 F.3d 1338, 61 U.S.P.Q.2d 1430 (Fed. Cir. 2002).

trigger the reminder”. Rather, Matsumoto clearly shows both note entries are associated with a “telephone number”.

Further, Matsumoto allows for “writing the subject of notes” or “options as the subject of notes”. Clearly, the “subject of notes” is not analogous to a “trigger application which is to trigger the reminder” as in claim 10.

Sellen is not suggested as teaching this element.

As neither Matsumoto nor Sellen disclose or suggest “receiving a selection of a trigger application which is to trigger the reminder” as in claim 10, the combination of Matsumoto and Sellen (which the Applicants do not assert there is a motivation to so combine or that such a combination is feasible), herein Matsumoto-Sellen, also does not disclose or suggest these elements of claim 10. As Matsumoto-Sellen does not disclose or suggest all elements of claim 10, claim 10 is not made obvious by Matsumoto-Sellen. For at least this reason, claim 10 is in condition for allowance.

Claims 12-13 depend upon claim 10. For at least this reason, they are likewise in condition for allowance.

In light of the discussion above, the Applicant respectfully asserts that a prima facie case for obviousness was not presented as required by the court in *In re Lee*. As such, the Applicant respectfully requests that the Examiner reconsider and withdraw these rejections to claims 1, 5, 10-13, 15-16, 18-23, 25-26 and 28-36.

As newly added claims 43, 51, 55, 59 and 61 recite similar language to that discussed above with reference to claim 10; claims 43, 51, 55, 59 and 61 are likewise in condition for allowance. Newly added claims 37-42, 44-50, 52-54, 56-58, 60 and 62 depend upon claims 10, 43, 51, 55, 59 and 61. For at least this reason, they are likewise in condition for allowance.

For the foregoing reasons, the Applicant believes that each and every issue raised by the Examiner has been adequately addressed and that this application is in condition for allowance. As such, early and favorable action is respectfully solicited.

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